

STATEMENT OF BASIS (AI No. 41801)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0006742 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Louisiana Newpack Shrimp Co. Inc.
500 Louisiana Street
Westwego, Louisiana 70094

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Michelle Bickham

DATE PREPARED: January 12, 2010

1. PERMIT STATUS**A. Reason For Permit Action:**

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term

B. LPDES permits – LA0006742
LPDES permit effective date: February 1, 2005
LPDES permit expiration date: January 31, 2010

C. Date Application Received: November 16, 2009

2. FACILITY INFORMATION**A. FACILITY TYPE/ACTIVITY - shrimp processing facility**

Louisiana Newpack Shrimp Co. Inc. is an existing shrimp peeling and packaging facility. Shrimp are washed, sorted, peeled, packed, and frozen. The facility processes a maximum amount of 30,000 pounds per day of shrimp.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II*
3. Wastewater Type: II
4. SIC code: 2092

*SIC Code 2092 has a complexity type of II with a corresponding 10 points. The points have been BPJ'ed to 0 to be consistent with other seafood processors.

C. LOCATION - 500 Louisiana Street, Westwego, Jefferson Parish
Latitude 29° 53' 56", Longitude 90° 09' 13"

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3. OUTFALL INFORMATION

Outfall 001

Discharge Type: shrimp processing wastewater and stormwater runoff
Treatment: screen
Location: at the point of discharge from the drain on the north side of the facility
Flow: 82,000 gpd
Discharge Route: Mississippi River

Note: Sanitary wastewater from the facility goes to the parish sewage system.

4. RECEIVING WATERS

STREAM - Mississippi River

BASIN AND SEGMENT - Mississippi River Basin, Segment 070301

DESIGNATED USES -

- a. primary contact recreation
- b. secondary contact recreation
- c. propagation of fish and wildlife
- d. drinking water supply

5. TMDL STATUS

Subsegment 070301 is not listed on LDEQ's Final 2006 303(d) List as impaired, and to date no TMDL's have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

6. CHANGES FROM PREVIOUS PERMIT

- The reporting requirement frequency for BOD₅ was increased from 1/quarter to monthly.
- Seafood Best Management Practices to control solids have been added to Other Conditions.

7. COMPLIANCE HISTORY/COMMENTS

A site visit was made to the facility on October 11, 2005, to assess any damage caused by Hurricane Katrina. As a result of the hurricane, the facility was without power for approximately 2 weeks and there was some flooding and some minor wind damage.

DMR's were reviewed for the last two years (9/07 - 9/09). All DMR's were submitted in accordance with the existing permit. No excursions were found. BOD₅ was not reported on a quarterly basis as stated in the existing permit.

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8. EXISTING EFFLUENT LIMITS

Outfalls 001 – shrimp processing water and stormwater runoff

Parameter	LPDES	
	Monthly Average	Daily Max
Flow	Report 1/month Est.	Report 1/month Est.
BOD ₅	---	Report 1/quarter Grab
TSS	1140 lbs/day 1/month Grab	3300 lbs/day 1/month Grab
Oil & Grease	360 lbs/day 1/month Grab	1080 lbs/day 1/month Grab
pH	6.0-9.0 s.u. 1/month Grab	

9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 070301 of the Mississippi River Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Pallid Sturgeon, which is listed as an endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated January 11, 2010, from Rieck (FWS) to Nolan (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Pallid Sturgeon. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

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11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for Louisiana Newpack Shrimp Co. Inc.

1. **Outfall 001** - shrimp processing wastewater and stormwater runoff (estimated flow is 82,000 gpd)

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	lbs/day		
Flow	Report	Report	
BOD ₅	---	Report	Similar discharges* (BPJ)
TSS	1140	3300	40 CFR 408.122
Oil & Grease	360	1080	40 CFR 408.122
pH, s.u.	6.0 (min)	9.0 (max)	40 CFR 408.122

Treatment: screen

Monitoring Frequency: monthly for all parameters at the point of discharge from the drain on the north side of the facility; the reporting requirement for BOD₅ has been increased from 1/quarter to monthly because the facility failed to report BOD₅ values for the existing permit.

Limits Justification: Limits based on Canned and Preserved Seafood Processing Point Source Category Effluent Limitation Guidelines found in 40 CFR 408.122. Report only requirements for BOD₅ have been placed in the permit as per BPJ and existing permits for similar outfalls.

* Existing permits for similar outfalls
BPJ Best Professional Judgement
su Standard Units

Limit Calculations:

TSS

Monthly Average:

$$38 \text{ lbs}/1000 \text{ lbs of seafood} \times 30,000 \text{ lbs/day} = 1140 \text{ lbs/day}$$

Daily Max:

$$110 \text{ lbs}/1000 \text{ lbs of seafood} \times 30,000 \text{ lbs/day} = 3300 \text{ lbs/day}$$

Oil & Grease

Monthly Average:

$$12 \text{ lbs}/1000 \text{ lbs of seafood} \times 30,000 \text{ lbs/day} = 360 \text{ lbs/day}$$

Daily Max:

$$36 \text{ lbs}/1000 \text{ lbs of seafood} \times 30,000 \text{ lbs/day} = 1080 \text{ lbs/day}$$

NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

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STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

An SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 2092 are considered to have storm water discharges associated with industrial activity.

For first time permit issuance, the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. **For renewal permit issuance**, the SWP3 shall be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility (see Narrative Requirements for the AI).